

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN RE)	
)	
FOURTH QUARTER PROPERTIES 86,)	CASE NO. 15-10135-WHD
LLC,)	
)	CHAPTER 11
Debtor.)	
)	
FOURTH QUARTER PROPERTIES 86,)	
LLC,)	
)	
Plaintiff.)	
)	
v.)	ADVERSARY PROC. NO. 16-01035
)	
MLIC ASSET HOLDINGS, LLC AND)	
MLIC CB HOLDINGS, LLC,)	
)	
Defendants.)	

**MLIC ASSET HOLDINGS, LLC AND MLIC CB HOLDINGS, LLC'S
MOTION TO DISMISS COUNTS II AND III OF PLAINTIFF'S COMPLAINT IN PART**

COME NOW Defendants MLIC Asset Holdings, LLC and MLIC CB Holdings, LLC (collectively, "MLIC"), by and through their undersigned counsel of record, and move this honorable Court to dismiss Counts II and III of Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12(b)(6), made applicable to this proceeding through Fed. R. Bankr. P. 7012. This motion is based upon a supporting brief, all pleadings, and all other matters of record.

WHEREFORE, MLIC respectfully requests that this Court dismiss Counts II and III of Plaintiff's Complaint with prejudice, tax Plaintiff with all costs, and grant MLIC such other and further relief this Court deems just and appropriate.

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

/s/ Gary A. Barnes

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and MLIC CB HOLDINGS, LLC*

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CERTIFICATE OF SERVICE

I, Gary A. Barnes, of the firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Monarch Plaza, Suite 1600, 3414 Peachtree Road, NE, Atlanta, Georgia 30326, certify:

That I am, and at all times hereinafter mentioned, was more than 18 years of age; and

That I have this day served a copy of the MLIC ASSET HOLDINGS, LLC AND MLIC CB HOLDINGS, LLC'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT IN PART in the above-styled case as follows:

Thomas T. McClendon
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Macon, GA 31201

Ward Stone, Jr
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I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

This 13th day of December, 2016.

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

/s/ Gary A. Barnes

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